

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. PROTEL ADVANTAGE, INC., d/b/a LONG DISTANCE SAVINGS, Respondent.	DOCKET NO. FCU-03-64
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ORDER ASSIGNING TO ADMINISTRATIVE LAW JUDGE

(Issued February 16, 2004)

On December 31, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties against Protel Advantage, Inc., d/b/a Long Distance Savings (Long Distance Savings), pursuant to Iowa Code § 476.103 (2003), for an alleged violation of the Board's slamming rules.

On January 27, 2004, the Board issued an order docketing Consumer Advocate's petition as a formal proceeding, identified as Docket No. FCU-03-64, and directing Long Distance Savings to respond to the allegations raised in Consumer Advocate's petition.

Late in the day on January 26, 2004, Long Distance Savings filed its response to Consumer Advocate's petition. Board staff received the response on the afternoon

of January 27, 2004. The response asserts that the customer knowingly and voluntarily signed up for service from Long Distance Savings after a sales call was made to the customer's business. In addition, Long Distance Savings stated that a full credit was issued to the customer's account.

In its January 27, 2004, order, the Board determined that there is sufficient information to warrant further investigation in this matter. Long Distance Savings did not provide any new information in its January 26, 2004, response that would alter the Board's initial determination. Therefore, pursuant to Iowa Code § 17A.11(1)"b" (2003) and 199 IAC 7.1(4), the Board will assign this matter to an administrative law judge (ALJ) for further proceedings. The ALJ will, among other things, set a hearing date, preside at hearing, and issue a proposed decision.

IT IS THEREFORE ORDERED:

Pursuant to Iowa Code § 17A.11(1)"b" and 199 IAC 7.1(4), this docket is assigned to the Board's administrative law judge, Amy Christensen, to conduct a hearing and issue a proposed decision. The administrative law judge shall have the authority provided under 199 IAC 7.1(4)"a" through "j."

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 16th day of February, 2004.